

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Lamont Custner

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-against-

A/W Joseph (Canada) Capt. DeWanye Hightower
Capt. Campisi, W/T Raum L/T Delta
L/T Brown, Sgt. Anthony Jones, Sgt. M. Resperkin
Steve (Mechanic) B. Baylor, Mental Health Ofc

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Complaint for Violation of Civil Rights

(Prisoner Complaint)

Case No. 6:23-cv-2534-RMG-KFM

(to be filled in by the Clerk's Office)

Jury Trial: Yes No
(check one)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

When submitted for filing, your complaint should be accompanied by the full filing fee or an application to proceed in *forma pauperis*.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Sgt. Anthony Jones

All other names by which you have been known

ID Number

0

Current Institution

Broad River Cerr.

Address

4460 Broad river RoadColumbia S.C. 29210**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

L.T. Camp

Job or Title

(if known)

don't know

Shield Number

L.T.

Employer

4460 Broad river Road

Address

Columbia S.C. 29210 Individual capacity Official capacityL.T.

Defendant No. 2

Name

CAPT. Campisi now
Christopher

Job or Title

(if known)

Shield Number

Employer

Address

 Individual capacity Official capacityS.C.D.C. Sgt. Miles PerkinsSgt.
24460 Bronel River Secure Facility
Columbia S.C. 29210

Defendant No. 3

Name

Job or Title

(if known)

Shield Number

Employer

Address

 Individual capacity Official capacityLT DeltaN/ALT
BRCT 24460 Bronel River Penal
Columbia S.C. 29210

Defendant No. 4

Name

Job or Title

(if known)

Shield Number

Employer

Address

 Individual capacity Official capacityDewanye HingletonS.C.D.C.don't have
Major Capt. at the time incident
BRCT Box 24460 Bronel River Penit

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

Defendantslocated at Brodovice Cem.
Inst.A/W Joseph
CANNON

Capt. Hingleton Dewanye / Major now

~~LT~~ LT Christopher Campisi / now captain

LT Brown cert team LT Fraughton

LT Ramp LT ~~██████████~~ Burkett

LT Delta cert team officer

Sgt. Miles Perkins

Sgt. Anthony Jones

Sgt. Steven Fleischman

Mental Health officer Brian Baylor

Mental Health officer Franklyn Miller

LEGAL MAIL

A. Are you bringing suit against (*check all that apply*):

Federal officials (a *Bivens* claim)
 State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

state S.C. D.C. officials

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

state officials deprivation of my
rights use excessive force violated 8th
amendment

D. Section 1983 allows defendants to be found liable only when they have acted “under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia.” 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

Pretrial detainee
 Civilly committed detainee
 Immigration detainee

S.D.C. prisoner

Convicted and sentenced state prisoner
 Convicted and sentenced federal prisoner
 Other (explain) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

they arose inside the inst.

B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

At Broad river Corf. Inst.

BRCI secured Facility congree

Unit 133 NOV. 4th 2021

C. What date and approximate time did the events giving rise to your claim(s) occur?

NOV. 4, 2021 around 11 to 12

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

Nwoseph Onyala Capt. Denysse Tomlin Develop A Team
to come into my cell Anslighty Came to my cell violated
Policy 02.01 use pepper didn't give me NO directions to come to
door to be cuff pop open my lock up door I was already
Laying down with my hands Behind my Back Liq Romp Game hit
me in the head with shield and then sat. Jones hit me with leg
IRONS hitting me in head I Bleed All the way out the window
went to PALMETTO richland Hosp. got 4 STAPLES in heel
I had two Black eyes police Service come to inst. they fire the
arrow cause they didn't want them to see my Black eyes

BRIEF COMPLAINT

ON NOV. 4th 2021 MENTAL OFFICE BRYCE
LEFT MY WINDOW FLAP UNSECURED IN A SECURED
MENTAL HEALTH FACILITY AT BROAD RIVER CORR.
INST. AT A MENTAL HEALTH PROGRAM AT THE
BROAD RIVER SECURED FACILITY. A INCIDENT
REPORT WAS DONE BY THE CAPT. DUNNYWELLINGTON
THAT INDICATE THAT THE MENTAL HEALTH OFFICE
LEFT MY FLAP OPEN AND UNSECURE SO WHERE
IT CAUSED CONFLICT BETWEEN ME AND ANOTHER
MENTAL HEALTH OFFICER BY THE NAME OF FRANK
MILLER WHEN THIS INCIDENT OCCUR THE CAPT. AND
WARDEN CAPTION DEVELOP A TEAM OF OFFICERS TO
COME TO MY CELL AND REMOVE ME FROM
MY CELL. WHEN THESE OFFICERS CAME TO MY CELL
THEY VIOLATED POLICY AND PROCEDURES THEY WAS
SUPPOSE TO ASK OR TELL ME TO COME TO THE
DOOR TO BE CELLED WHICH THEY DIDNT TELL
ME OR GIVE ME A DIRECTIVE ON COMING
TO COME TO THE DOOR TO BE CELLED AND

LEGAL MAIL

They open my lock up door in congree
133 in program unit come into my cell assault
me in the head with shield when I was
already laid down with my hands behind my
back and Lt ramp still hit me in my head
for no reason and Sgt. Jones hit me with
leg irons shackles twice in the face once they
seen I was bleeding Sgt. perkins lied and
said stop resisting sir stop resisting for the
camera I asked police service to take lie
detector tests behind my allegations they said
ok but never came and gave me the tests
these officer's and staff use excessive force on
me and violated the of 22.01 policy also they
deprive me of my rights and assaulted me
and violated my 8th Amendment cruel and
UNUSAL punishment

LEGAL MAIL

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

I received a gash in left side of my head went to medical and they tried to stop the bleeding wrap my head and tried to send me back to my cell knowing I needed stitches But the blood wouldn't stop and they Capt Hugleston told them I needed to go to Hospital so they took me to Palmetto richland to get 4 staples in my head

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I want the courts to make the South Carolina department Corrections PAY me 150,000 for the damage and injuries I received to the head and the pain and suffering

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes

No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Brent River Corr. Inst.

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

Yes

No

Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

Yes

No

Do not know

If yes, which claim(s)?

I wrote it up and sent it to grievance
about they Assured me And visited
my 8th Amendment deprive me of my
Right

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

Yes

No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes
 No

Well I filed At Brasel River

E. If you did file a grievance:

1. Where did you file the grievance?

Brasel river comm. inst.

2. What did you claim in your grievance?

they violated policy and procedure
and violated my 8th amend.
use excessive force

3. What was the result, if any?

I was moved to Kirkland
from Brasel river and when I
got to Kirkland the MAIS was break
up and they sent my grievance
break saying the time has expired

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

Step 2 my grievance expired
the same day I received

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

I did file

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

I wrote a grievance to the
Wardens A/W Cannon and Warden
Nelson

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

Kirkland sent my grievance back
the same day of my expiration
Date I feel it out sent it in they s

(Note: You may attach as exhibits to this complaint any documents related to the ~~start~~ exhaustion of your administrative remedies.) ~~start~~ time expired back

VIII. Previous Lawsuits

The “three strikes rule” bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has “on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this “three strikes rule”?

Yes
 No

If so, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes

No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (*If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.*)

1. Parties to the previous lawsuit

Plaintiff(s) Lamont Cofner
Defendant(s) Sheik Johnson

2. Court (*if federal court, name the district; if state court, name the county and State*)

dorchester county

3. Docket or index number

N/A

4. Name of Judge assigned to your case

Cant remember

5. Approximate date of filing lawsuit

Oct 18, 2018

6. Is the case still pending?

Yes

No

(Settle)

If no, give the approximate date of disposition.

Dec. 22 2022

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

Settlement

C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

Yes
 No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

N/A

Plaintiff(s) _____

Defendant(s) _____

2. Court (if federal court, name the district; if state court, name the county and State)

N/A

3. Docket or index number

N/A

4. Name of Judge assigned to your case

N/A

5. Approximate date of filing lawsuit

N/A

6. Is the case still pending?

Yes
 No

N/A

NO

If no, give the approximate date of disposition. _____

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)
N/A

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: _____, 2023

Signature of Plaintiff

Jerryof Cutner

Printed Name of Plaintiff

JAMONT CUTNER

Prison Identification #

185

Prison Address

*BRCT 4460 Brasel River Road
Columbia S. C. 2920*

City

State

Zip Code

B. For Attorneys

Date of signing: _____, 20___.

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

BRETT Shultz Run 239
4460 Broad river Road
COLUMBIA S.C. 29210

Address

Telephone Number

E-mail Address